

CHAPTER NO. 271

SENATE BILL NO. 867

By Kyle, Burchett, Crowe, Atchley, Blackburn, Burks, Carter, Clabough, Cohen, Cooper, Crutchfield, Davis, Dixon, Elsea, Ford, Fowler, Graves, Harper, Haun, Haynes, Henry, Herron, Kurita, Leatherwood, McNally, Miller, Person, Ramsey, Rochelle, Springer, Williams, Womack, Mr. Speaker Wilder

Substituted for: House Bill No. 1335

By McMillan, Hargrove, Langster, Lois DeBerry, McDaniel, Hagood, Sargent, Boyer, Montgomery, Stulce, Hargett, Dunn, David Davis, Todd, Brenda Turner, Beavers, Black, Mr. Speaker Naifeh

AN ACT To amend Tennessee Code Annotated, Title 29, Chapter 13, Parts 1 and 2; Section 40-24-107 and Section 67-4-606, relative to the Criminal Injuries Compensation Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-106(a), is amended by adding the following as a new subdivision (4) and by redesignating the existing subdivisions accordingly:

(4) Reasonable out-of-pocket expenses incurred for cleaning supplies, equipment rental and labor needed to clean the scene of a homicide, if the scene was the residence of the victim or a relative of the victim as defined in § 29-13-102(10). Cleaning the scene of a homicide means to remove, or attempt to remove, from the crime scene blood, dirt, stains or other debris caused by the crime or the processing of the crime scene;

SECTION 2. Tennessee Code Annotated, Section 29-13-106(e), is amended by deleting from the first sentence thereof the words and figures "eight thousand dollars (\$8,000)" and by substituting instead the words and figures "twelve thousand dollars (\$12,000)".

SECTION 3. Tennessee Code Annotated, Section 29-13-106(h), is amended by deleting the third and fourth sentences thereof in their entirety and by substituting instead the following:

For any claim that arises from a crime committed during a fiscal year in which the Board of Claims has determined the supplemental award program is to be operative, a supplemental award may be made upon determining that losses and expenses as defined in this section exceed twelve thousand dollars (\$12,000). The supplemental award shall be equal to losses and expenses as defined in this section which are in excess of twelve thousand dollars (\$12,000); provided, that no supplemental award shall exceed eight thousand dollars (\$8,000).

SECTION 4. Tennessee Code Annotated, Section 29-13-107(1), is amended by deleting the first and second sentences thereof and by substituting instead the following:

(1) Any award made for permanent partial or permanent total disabilities proximately caused by a violent crime is to be based upon those schedules of compensation allowable by the Workers' Compensation statutes, found in § 50-6-207, in effect at the time of the commission of the act giving rise to such claim,

for disabilities of a similar nature; provided, however, that the sixty-six and two-thirds percent (66 2/3%) rate prescribed in the Workers' Compensation statutes shall not be used in determining the amount of any award hereunder. Instead, such rate shall be eighty-five percent (85%) of the claimant's average weekly wage. Any award made for lost wages proximately caused by a violent crime is to be based upon those schedules of compensation for temporary total disability allowable by the Workers' Compensation statutes, found in § 50-6-207, in effect at the time of the commission of the crime giving rise to such claim; provided, however, that the sixty-six and two-thirds percent (66 2/3%) rate prescribed in the Workers' Compensation statutes shall not be used in determining the amount of any award hereunder. Instead, such rate shall be eighty-five percent (85%) of the claimant's average weekly wage.

SECTION 5. Tennessee Code Annotated, Section 29-13-107(3), is amended by deleting immediately after the semicolon ";," the word "and".

SECTION 6. Tennessee Code Annotated, Section 29-13-107, is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Any award made for funeral and burial expenses shall not exceed four thousand five hundred dollars (\$4,500); and

(5) Any award made for expenses incurred in cleaning the scene of a residential homicide shall not exceed one thousand five hundred dollars (\$1,500).

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect on July 1, 1999, the public welfare requiring it and shall apply to all compensable offenses committed on or after that date.

PASSED: May 20, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 26th day of May 1999


DON SUNDQUIST, GOVERNOR